## **IMPLEMENTATION**

## **GOAL**

Provide for the comprehensive development of Subarea I consistent with City procedures and assure the provision of adequate public facilities and services for residential, commercial and institutional uses in a timely manner.

## **IMPLEMENTING PRINCIPLES**

- Provide mechanisms, procedures and techniques for the implementation of the land use and development proposals set out in this Subarea I Plan;
- Phase development in consideration of the marketplace, available public facilities and services, and development in surrounding communities;
- Assure the financing and timely delivery of new public facilities and services; and
- Uphold the basic goals and guiding principals embodied in the Framework Plan and this Plan.

## A. REQUIRED APPROVALS

The Black Mountain Ranch Subarea I Plan must be submitted to the Planning Commission and the San Diego City Council for review and approval. The City Council must also approve a phase shift for the Black Mountain Ranch future development area and the Perimeter Properties. Prior to development in Subarea I consistent with the Plan, a phase shift must occur which redesignates the land from the future development areas General Plan designation of Future Urbanizing Area to Planned Urbanizing Area. According to City Council Policy 600-30, the City Council must place a phase shift measure on the ballot in order for the Plan to become effective, and the measure must be approved by a majority vote at a citywide election. If the phase shift ballot measure is unsuccessful, the applicant may choose to pursue a phase shift again; in the meantime, property owners in the subarea may proceed with development applications consistent with the existing zoning.

Prior to a phase shift, development of private property in Subarea I may occur consistent with any of the following:

- 1. The A-1 zoning regulations, at the density and minimum lot size permitted in the applicable zone;
- 2. The Rural Cluster Development Regulations allow development, at the density permitted in the applicable zone, but clustered. Clustering will retain the undeveloped portions of the property for future development at higher densities, if appropriate, when the property is shifted from Future Urbanizing Area to Planned Urbanizing Area;
- 3. The Planned Residential Development regulations, at a density not to exceed one dwelling unit per four acres; however, in return for the density increase granted by the City Council, no future development rights will remain on the property;
- 4. The Conditional Use Permit regulations, provided that the conditional uses are natural resources dependent, non-urban in character and scale, or are of an interim nature which would not result in an irrevocable commitment of the land precluding future uses; and
- 5. The Black Mountain Ranch VTM/PRD 95-0173 which was previously approved by the City Council.

#### **B. PHASE SHIFT**

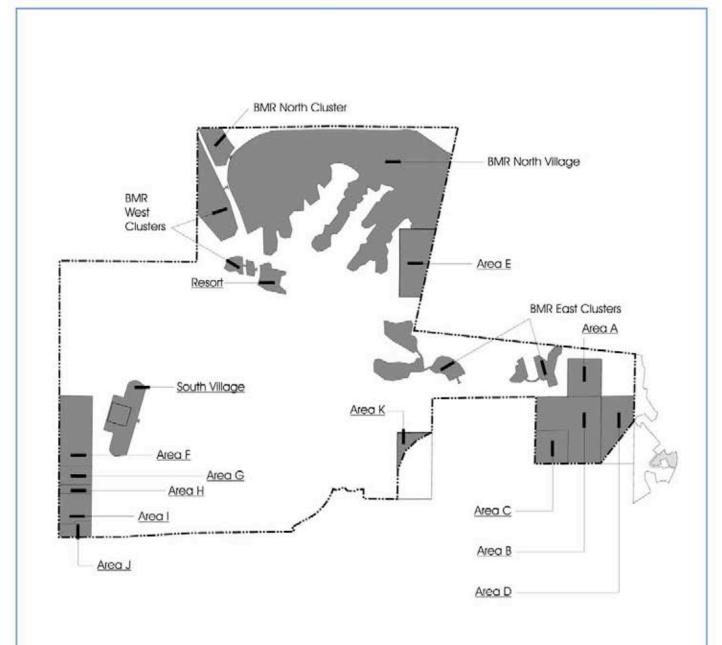
Approximately 1,410 acres of Subarea I which were not included for development in the Black Mountain Ranch VTM/PRD are subject to a phase shift (**Figure 8.1**).

A phase shift moves or "shifts" land from the Future Urbanizing category to the Planned Urbanizing category. Proposition A, adopted by San Diego voters in 1985, amended the process by which these changes occur. Following Proposition A, a shift out of the Future Urbanizing category can no longer be accomplished exclusively by a vote of the City Council; a majority vote of the electorate is now mandated.

The Framework Plan envisioned that following City Council approval of subarea plans and appropriate ballot language, a public vote on the phase shift would take place at the statewide primary election of June 1994.

Alternatively, the Framework Plan envisioned and provided that if the phase shift were not approved at the June 1994 vote, it could be presented to voters at subsequent elections on an individual subarea basis. If the subarea-by-subarea vote is not successful, phase shifts may be accomplished on an individual property ownership basis.

Regardless of how it is accomplished, any phase shift in Subarea I will be followed by rezoning applications which are most likely to be processed in conjunction with one or more development applications. Those development applications will be processed in one of two ways: based on underlying zoning, or based on planned development regulations.





Phase Shift Area approximately 1410 Acres

Areas which require a Phase Shift prior to implementation of the Black Mountain Ranch Subarea Plan.



Phase Shift Area 8.1

Black Mountain Ranch Subarea Plan FIGURE

#### C. RECOMMENDED ZONING

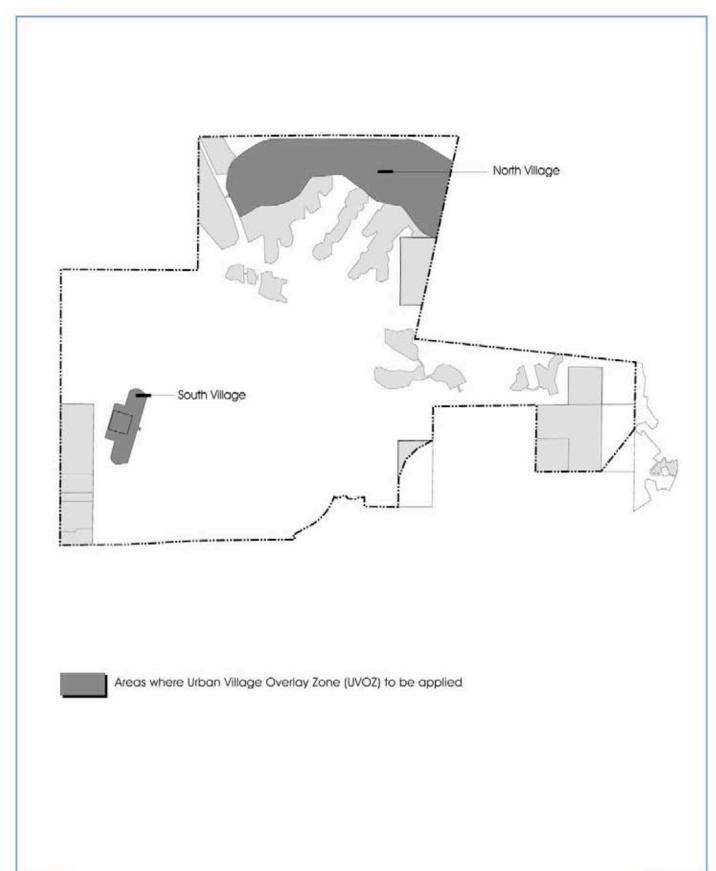
At the time of the Subarea I Plan preparation, the property within the subarea was zoned A-1-10, an agricultural zone permitting one dwelling unit per ten acres. Neither this Subarea I Plan nor a successful phase shift shall constitute a rezoning. Uses at densities higher than A-1-10 shall require a rezoning application. Property owners shall be required to make application for rezoning consistent with the Plan's land use designations in order to develop at densities greater than allowed in the A-1-10 zone as contemplated by the Plan. Approval of rezoning applications may be granted only if such applications are consistent with the policies and requirements of the Framework Plan, this Plan and applicable environmental documents.

All Perimeter Properties and Black Mountain Ranch future development areas may develop in reliance on underlying zoning, so long as that zoning is compatible with the designations described in this Subarea I Plan.

Development which relies on standard City zoning is most likely to occur on those Perimeter Properties and Black Mountain Ranch future development areas where the designated use is predominantly very low-, moderately low- and low-density residential. In areas with these density designations, conventional development is highly compatible with zone regulations. While the option for using underlying zoning also exists for Perimeter Property Parcel E, it is less likely that Parcel E would choose to base development on underlying zoning. The site is designated a higher-density residential use than most other Perimeter Properties because it lies adjacent to the North Village where there are considerable opportunities to integrate development with the Community Mixed-Use Center. However, the opportunity for implementation under zoning is an option for Parcel E.

The most important limitations which this Plan applies to development within the Perimeter Properties and Black Mountain Ranch future development areas are the number of units permitted and the need to observe design guidelines as outlined in the **Community Design Element**. The permitted number of dwelling units cannot exceed the number identified for the parcel in this Plan, unless a record of transfer is provided to the City at the time of application.

Compatible zones for properties within Subarea I are shown below. Zones have been selected for their underlying use and design/development standards, not for their density/intensity. The density and intensity of all new development within Subarea I is limited by this Plan.





Urban Village Overlay Zone 8.2

Black Mountain Ranch Subarea Plan FIGURE

## **Residential Clusters:**

Very Low Residential RS-1-8

Moderately Low Residential RS-1-9, RS-1-11

Low Residential RS-1-14

Peripheral Residential RM-1-1, RX-1-2

Core Residential RM-1-3

Open Space/MHPA OC, OR-1-2, AR-1-1

## North Village:

Low Residential RS-1-14, RS-1-14/UVOZ, RX-1-2, RX-1-2/UVOZ

Peripheral Residential RM-1-1/UVOZ, RM-1-2/UVOZ, RM-1-3/UVOZ, RX1-2/UVOZ

Core Residential RM-1-2, RM-1-3/UVOZ, RM-2-6/UVOZ, RX-1-2/UVOZ

Mixed-Use Core Residential CC-1-3/UVOZ, CC-3-5/UVOZ Mixed-Use Commercial CC-1-3/UVOZ, CC-3-5/UVOZ

Employment Center IL-2-1 or IP-2-1/UVOZ, CC-4-5/UVOZ

## **South Village:**

Mixed-Use Commercial CN-1-1 or CC-1-3/UVOZ

Peripheral Residential RM-1-1/UVOZ Core Residential RM-1-3/UVOZ

**Resort/Hotel** CV-1-1, CV-1-2

When development proceeds on the basis of underlying zoning, the use and standards applied are those of the underlying zone.

### D. DEVELOPING WITH PLANNED DEVELOPMENT REGULATIONS

If development is to be clustered, or if the housing type(s) proposed are other than those allowed by underlying zoning, then a planned development process may be employed. All development of attached multifamily housing in areas designated Peripheral or Core Residential shall be required to utilize a planned development process.

All development proposed for the North Village, the South Village and the Hotel Resort must be submitted using a planned development permit process. The Urban Village Overlay Zone shall be applied to the North Village and South Village (**Figure 8.2**). The intent is to utilize a development permit process and regulations that are responsive to the transit, pedestrian and mixed-use design objectives of this Plan.

## E. SUBMISSION OF TENTATIVE MAP

Development of property within Subarea I requires approval of tentative and final maps. All maps will be subject to the requirements of the Subdivision Map Act and the City of San Diego Subdivision Ordinance. At the time of subdivision, the location of major streets and collectors, land uses and site design must be in substantial conformance with the Plan

Tentative maps submitted for any development which abuts a designated Resource Open Space area must conform to the MHPA land use adjacency guidelines.

Tentative Maps and development permits shall provide for the preservation of open space through the dedication of applicable land to the City of San Diego or through conservation easements.

Prior to Tentative Map approval, a water quality protection plan, which includes Best Management Practices for urban runoff, will be prepared by the applicant and reviewed by interested parties and approved by the City.

#### F. BLACK MOUNTAIN RANCH VTM/PRD/DEVELOPMENT AGREEMENT

Approximately 3,690 acres of Subarea I are included for development in the BMR VTM/PRD which was approved in 1995. The project approvals for the VTM/PRD include a number of conditions which must be satisfied as the approved project is implemented. In addition to typical project conditions, there are many specific conditions imposed through a development agreement between the developer and the City of San Diego and through a design guideline which was a part of the project application and approval. All of the design and development standards included in the previously approved and agreed to conditions are included by reference as a part of this Plan for the development area of the BMR VTM/PRD.

In the event that the approved project is never implemented and a new map is filed, the previously approved standards for preservation and restoration of biological resources, retention of a viable open space system, development of the proposed trail system, provision of detention basins and adherence to the agreed-upon design guidelines shall continue as the standards of this Plan for the development area included in the BMR VTM/PRD.

#### G. DEVELOPMENT TRANSFERS

Within Subarea I, estimated total development is that indicated on **Table 2.1**, Development Summary, in Chapter 2 of this Plan: 5,400 dwelling units, 650,000 SF of commercial (office/retail) and employment use, and 300 hotel rooms. This is the estimated upper limit of Subarea I development. Development shifts permitted by this section, either through transfers or conversions, shall be based on equivalent dwelling units (EDUs). Transfers are the relocation of development entitlements, and conversions are shifts in the quantity/intensity of development, measured in EDUs, within the same generalized land use (e.g., retail commercial to office commercial or visitor commercial). In no case shall more than 5,400 dwelling units be developed within Black Mountain Ranch.

Following a phase shift, development may be transferred within Subarea I under circumstances and conditions described in this section.

## Shifts Within and Among the Villages and Perimeter Properties

Any transfers or conversions of residential units or non-residential square footage among owners of land within the North or South Villages or the Perimeter Properties is acceptable and requires no amendment of the Subarea I Plan so long as all of the following conditions are met:

- The transfers or conversions result in no change in the designated land use or residential density category for the sending and receiving area;
- The development application(s) includes appropriate documentation verifying that the right to construct dwelling units or non-residential square footage in a particular area is transferred from one party and/or area to another party and/or area.
- An informational update describing the transfer of densities or non-residential square
  footage is submitted to the Development Services department and, upon approval of
  the application, signed and dated by the Director of Development Services and kept
  by the Development Services department with the master copy of the Subarea I Plan.
  A copy of the signed and dated informational update is to be sent to the project
  applicant.

## H. PUBLIC FACILITIES

## **Public Facility Improvements**

A Public Facilities Financing Plan (PFFP) has been prepared for Subarea I. The PFFP identifies backbone infrastructure improvements and other public facilities required to serve the projected population based on ultimate buildout of the subarea. The timing of the improvements is tied to units constructed. The funding is tied to revenue generated by residential and non-residential development, including subdivision exactions, facility and other development fees, by assessment districts and/or maintenance districts. Development may occur faster than the time frames anticipated, but no faster than the thresholds identified. For instance, if the market allows construction to proceed with more units than anticipated by the estimates in the PFFP for the year 1995, the units may proceed so long as the infrastructure and other public facilities are built to accommodate them

Infrastructure serving individual development areas will typically be provided by the developers of those areas. Requirements for such improvements will be established through the tentative map process.

#### Schools

Development projects within Subarea I will be required to comply with school financing and phasing as set forth in a School Facilities and Financing Plan prepared expressly for Subarea I and in concert with the Poway Unified School District (District). The School Facilities and Financing Plan and related mitigation agreements shall be completed to the satisfaction of the District and affected property owners prior to the adoption of this Plan and prior to the presentation of any phase shift to the voters of the City to ensure that the impacts on school facilities are mitigated.

No owner of land in Subarea I may apply for the rezoning of property or any other permit to increase density entitlements for such property unless such owner has provided for the full mitigation of development impacts on the need for school facilities by the execution of a school mitigation agreement between the District and the property owner seeking development approvals. The mitigation agreement shall set forth the terms and methods of fully mitigating impacts of development on the District through participation in a Community Facility District (CFD) pursuant to the Mello-Roos Community Facilities Act of 1982. Provisions for the acquisition of property for the eventual construction of the schools shall be contained in a School Facilities and Financing Plan consistent with the requirements of the Framework Plan. These purchase agreements shall commit owners of the designated school sites to sell those sites to the District and commit the District to buy those sites. The terms of the purchase agreements shall be negotiated to the satisfaction of the relevant owner and School District prior to or concurrent with the adoption of the subarea plan. However, the purchase amount shall not exceed the amount set forth in the School Facilities Financing Plan and the acquisition date shall be no sooner than when the acquisition funding is provided for in the School Facilities Financing Plan.

## Park, Library and Fire Facilities

The NCFUA Framework Plan requires that park site and fire station site purchase agreements be negotiated to the satisfaction of the City prior to or concurrent with the adoption of this Plan. Owners of development projects which contain land designated as a park, library or fire station site in Subarea I, excluding development projects approved prior to adoption of this Plan by the City Council, are required to enter into purchase agreements with the City of San Diego. Purchase agreements between the City of San Diego and owners will be required at the time the Plan is approved by the City Council to ensure that the impacts on public facilities are mitigated.

The Plan shall not be effective until such purchase agreements are fully executed by the affected parties. The terms of the purchase agreements shall be negotiated between the relevant owner and the City.

The developers of the BMR VTM/PRD are required pursuant to a development agreement with the City to provide specific park and fire station sites and improvements. The BMR VTM/PRD development agreement satisfies the Framework Plan requirement outlined above for purchase agreements for all park sites within Subarea I. It also satisfies the requirement for a purchase agreement for the South Village fire station site. The only purchase agreement that will be required within Subarea I is for the North Village fire station site.

The purchase agreement for the fire station site shall provide that the site acquisition date shall be no sooner than the date the acquisition funding is provided in the PFFP and that the purchase price shall not exceed the amount indicated in the PFFP.

The PFFP includes improvements to the community park and two neighborhood parks designated in Subarea I. A library will be located in the village of Subarea III to serve the entire NCFUA. Fair share funding for the library in Subarea III is included in the PFFP for the Black Mountain Ranch Subarea I. Two fire station sites are designated in this Subarea I Plan and the improvement of those sites is included in the PFFP for Subarea I.

## I. ENVIRONMENTAL REVIEW

The Environmental Impact Report (EIR) prepared for the Subarea I Plan is a comprehensive review and analysis of the impacts associated with development proposed for the subarea. Future discretionary actions required to implement elements of the plan—i.e., those developments which lie outside the BMR VTM/PRD area—are subject to further environmental review pursuant to CEQA. Development within the BMR VTM/PRD area has already been subject to environmental review under the certified Black Mountain Ranch II EIR (LDR No. 95-0173, SCH No. 95041041).

# J. RESOURCE PROTECTION ORDINANCE/ ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE

The Black Mountain Ranch Subarea I Plan constitutes a long-range plan, thus qualifying for alternative compliance with the Resource Protection Ordinance (RPO) and the Environmentally Sensitive Lands (ESL) regulations through implementation of the City's Municipal Code and City Council Policy 600-40. Subsequent discretionary actions will be reviewed for consistency with this Plan. If substantial conformance with the Plan is established by the City Manager, future RPO or ESL permits shall be granted through Process Four, without requiring additional "Deviation" findings. Approval of the individual RPO or ESL permit may require additional information or detailed analysis of the specific development proposal. Approval of the individual RPO or ESL permit will require conformance with the approved Plan and any required mitigation shall be provided. Projects which are not in substantial conformance with this Plan and the RPO or ESL analysis, must obtain a RPO or ESL permit at a noticed public hearing which may include making new "Deviation" findings and compliance with existing regulations. An amendment to this Plan may also be required.

#### K. INTERPRETATION

This Plan is intended as the guiding policy document for development in the Black Mountain Ranch area of the NCFUA. To the extent that this Plan may conflict with more generalized policy documents, such as the NCFUA Framework Plan, this Plan should be considered a refinement which amends those other policy documents. It is recognized that aspects of this Plan are also subject to refinement as additional information becomes available, more detailed plans are prepared or errors are discovered. In general, such refinements will be accommodated without the need to amend this Plan so long as they substantially conform with this Plan. Plan errata or updates may be issued from time to time as appropriate.